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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,810	11/04/2003	Jean-Pol Boutique	CM2707ML	6268

27752 7590 10/19/2005

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,810	BOUTIQUE ET AL.	
	Examiner	Art Unit	
	Charles I. Boyer	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 10-13, 15-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 10-13, 15-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to applicants' amendment and response received August 1, 2005. Claims 1-4, 10-13, 15-17 and 19 are currently pending.

Election/Restrictions

Applicants' affirmation of the election of Group I, claims 1-4, 10-13, 15-17 and 19 is acknowledged.

Claim Objections

Claim 15 is objected to because of the following informalities: the dependency of claim 15 is incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 10-13, 15-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasturi et al, US 6,827,795.

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Kasturi et al teach mild detergent compositions comprising 0.3% cationic guar polymer, anionic surfactant, nonionic/zwitterionic surfactants, polydimethylsiloxane having a viscosity of 97,000 centistokes, and the balance water (col. 93, example 29-O). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the reference does not teach their combination of cationic guar and silicone polymers. The examiner respectfully disagrees and refers applicants to the example above.

3. Claims 1-4, 10-13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Decoster et al, US 6,028,041.

Decoster et al teach a composition for cleansing and conditioning the hair comprising Jaguar C13S, anionic surfactant, amphoteric surfactant, polydimethylsiloxane having a viscosity of 300,000 centistokes, citric acid (a well known builder) and the balance water (col. 15, example C). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the reference does not teach their combination of cationic guar and silicone polymers. The examiner respectfully disagrees and refers applicants to the example above.

4. Claims 1-4, 10-13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fealy et al, US 5,656,257.

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Fealy et al teach a composition for cleansing and conditioning the hair comprising 0.3% guar hydroxypropyltrimonium chloride, 1% dimethicone which may have a viscosity as high as 100,000 centistokes (col. 7, lines 58-62), anionic surfactant, citric acid (a well known builder) and the balance water (col. 10, examples 5-9). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-4, 10-13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Decoster et al, US 6,551,970.

Decoster et al teach a composition for cleansing and conditioning the hair comprising 0.05% guar hydroxypropyltrimonium chloride, 2.7% polydimethylsiloxane which has a preferred viscosity of from 100,000 to 350,000 centistokes (col. 4, lines 62-65), anionic surfactant, zwitterionic surfactant, citric acid (a well known builder), and the balance water (col. 6, example). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1, 2, 10-13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Maurin et al, US 6,562,772.

Maurin et al teach a composition for cleansing and conditioning the hair comprising 0.05% Jaguar C13S, anionic surfactant, amphoteric surfactant, polydimethylsiloxane having a viscosity of 300,000 centistokes, and the balance water

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(col. 12, example C). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272-1311. The examiner can normally be reached on M-F 9:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles I Boyer
Primary Examiner
Art Unit 1751